



EFE FACT SHEET – Mental Health

RESTRAINT IN MENTAL HEALTH FACILITIES IN ILLINOIS

Statutory References: 405 ILCS 5/1-125, 5/2-108; and the Centers for Medicare and Medicaid Services (CMS) Rule

What a Behavioral Restraint Is

- A restraint means any manual method, physical or mechanical device, material or equipment that immobilizes or reduces your ability to move your arms, legs, body or head freely.
- A drug or medication used to manage behavior or restrict freedom of movement that is not a standard treatment or dosage for your condition is also a restraint.

What Restraint Is Not

- A momentary physical hold by another person with limited force, without aid of any device or material, to prevent you from hurting yourself or another person is not considered a restraint but must be documented in your chart.
- Partial or total immobilization for the purpose of performing a medical, surgical or dental procedure, or to treat an existing physical disorder, such as using orthopedic devices or surgical dressings, is not restraint, but must be documented in your chart and can be used only with a physician's or dentist's order.

Rules About Restraint*

- You may only be restrained in an emergency to prevent you from causing serious physical harm to yourself or to someone else.
- Restraint may not be used unless less restrictive interventions have been tried and have failed to protect you and others from harm.
- You must be released from restraints at the earliest possible time.
- Restraint may never be used for coercion, punishment or discipline, or as a convenience for staff.

- Restraint may be applied only by a person who has been trained. The training must include ways to help you regain self-control so that you do not hurt yourself or others.
- Restraint must be loosely applied unless there is an immediate danger that you will be able to physically harm yourself or others.
- If restrained, you must be permitted to have regular meals and toilet privileges free from the restraint, except when that freedom may result in physical harm to yourself or someone else.

Restraint by Written Order

- Restraint is to be used only with the written order of a physician, clinical psychologist, clinical social worker or registered nurse with supervisory authority who is responsible to provide care to you, unless an emergency exists (see Emergency Use of Restraint below).
- PRN (as needed) or standing orders authorizing restraint are not allowed.

What an Order for Restraint Must Include

- An order for restraint must list the events leading up to the restraint and the purposes for which the restraint is used.
- The order must also state the maximum length of time restraint may be used and the reason for that length of time.

Face-to-Face Examination

- Within one hour of a restraint, a physician or other licensed independent practitioner or a trained nurse or physician's assistant must see you face-to-face and evaluate the immediate situation, your reaction to the restraint, your medical and behavioral condition and whether you should be released from restraint.
- Qualified personnel must check on you at least once every 15 minutes to ensure that any devices used for restraint were safely and correctly applied, and must maintain a record of these observations.

Length of Time in Restraint

- A restraint order cannot be more than four hours for adults 18 and older, two hours for children and adolescents 9-17 years old, and one hour for children under 9 years old.
- A restraint order can be renewed. If the restraint order is renewed, the maximum amount of time you can remain in restraint is 16 hours, unless a new order is written by a physician or licensed independent practitioner.
- Before a new order can be written, the physician or licensed independent practitioner must see you and assess the risk of continuing the restraint.
- Restraint may be used during all or part of one 24-hour period that begins when you are put into restraint. However, once restraint has been used during one 24-

hour period, it cannot be used again during the next 48 hours without written authorization from the facility director.

- The facility director must review restraint orders daily and inquire about any routine orders of restraint by staff members.

Emergency Use of Restraint

- In an emergency that requires its immediate use, restraint may be ordered temporarily by a qualified person if a registered nurse with supervisory responsibilities, clinical psychologist, clinical social worker or physician is not available.
- In that event, an order by a qualified person must be obtained as soon as possible.
- You must be examined by a physician or supervisory nurse within one hour of the emergency restraint. Whoever orders restraint in emergency situations must document the reason for the emergency restraint and place that documentation in your chart.

Proper Training in the Use of Restraint

- Every facility that uses restraint must provide training to its staff for each type of restraint used.
- Each facility using restraint must keep records detailing which employees have been trained and are authorized to apply restraint, the date of the training and the type of restraint that the employee was trained to use.

Restraint of People Who Communicate Using Sign Language

- If your primary mode of communication is sign language and if restraint is used, you must be permitted to have your hands free from restraint for brief periods each hour, except when freedom may result in physical harm to yourself or others.

Restraint and Seclusion at the Same Time

- If you are restrained, you may only be secluded at the same time if there is written authorization for the seclusion (See Fact Sheet on Seclusion).
- If you are restrained and secluded at the same time, a member of the facility staff must continually monitor you either face-to-face or by trained staff monitoring by both video and audio equipment in an area close to the restraint room you are in.

Notification to Others

- Whenever restraint is used, you must be advised of your right to have any person you choose notified of the restraint, including the Guardianship and Advocacy Commission or Equip for Equality.
- If you have a guardian, you may request notification to others whether or not your guardian approves.

- Whenever the Guardianship and Advocacy Commission is notified that you have been restrained, it is required to contact you to determine the circumstances of the restraint and whether further action should be taken.

* The most stringent provisions of both federal and state statutes and regulations have been utilized in creating this fact sheet.



DO YOU HAVE A QUESTION?

Contact Equip for Equality (all services are free of charge):

800.537.2632 (voice) or 800.610.2779 (TTY)

Contactus@equipforequality.org

www.equipforequality.org

This resource material is intended as a guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, an attorney should be consulted.

Equip for Equality, an independent nonprofit organization, is the Illinois state Protection & Advocacy System whose mission is to advance the human and civil rights of children and adults with disabilities.

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